

Attorney Docket No.: 2870/192

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lawson, et al.

Serial No.: 09/441,832

Group Art Unit: 1619

Filed: November 17, 1999

Examiner: Berman, Alysia

For: Gel-Type Oil Free Cosmetic

#20/B
HKD
10/11/02**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

The following Preliminary Amendment is submitted as a further response to the Final Office Action dated April 1, 2002 and the Advisory Action dated July 11, 2002. Applicants previously filed, on July 1, 2002, a response to the Final Office Action, which was considered but not deemed to place the application in condition for allowance. Applicants filed a Notice of Appeal on August 1, 2002. Concurrently herewith, Applicants file a Request for Continued Examination, and respond herein to comments made by the Examiner in the Advisory Action. In the Final Office Action the Examiner rejects Claims 1 to 3, 7 to 19, 21, 23, 25, and 26 and refers to the comments contained in the previous Office Actions in the Advisory Action. Please consider the following amendments and accompanying remarks.

CLEAN AMENDMENTS

Please amend the following claims in their clean form below and as the previous version of the claims is marked on the attached page entitled **MARKED AMENDMENTS**.

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1. (Amended) A non-emulsion topical mousse-textured composition comprising an aliphatic polyhydric alcohol, an alkali salt of a fatty acid ester or an amine salt of a fatty acid ester, a sterol-based surfactant/emulsifier selected from the group consisting of cholesterol, phytosterol and derivatives thereof, water, and substantially no oil.